

HOUSE BILL NO. 821

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Bill Status

H0821.....by EDUCATION
DEAF AND BLIND EDUCATION - Amends, adds to and repeals existing law to
remove consideration of the Idaho School for the Deaf and the Blind as a
school district; to provide distribution calculations for school districts
hosting regional programs for deaf education; to establish in the State
Board of Education the Division of Deaf and Blind Education; to provide for
the elimination of the Idaho School for the Deaf and the Blind as a body
corporate; to vest general supervision and government control of the
Division of Deaf and Blind Education in the State Board of Education; to
empower the State Board to dispose of any property belonging to or vested
in the name of the Idaho School for the Deaf and the Blind; to provide for
general powers of the State Board of Education relating to the division; to
prohibit religious or sectarian tests; to provide for definitions; to
provide for a program for the deaf; to provide for a program for the blind;
to provide legislative findings with regard to the Division of Deaf and
Blind Education; to provide for technology grants to the regional deaf
education program; and to provide for the transfer and credit of certain
funds to the Idaho Division of Deaf and Blind Education Fund.

03/15 House intro - 1st rdg - to printing

03/16 Rpt prt - to Educ

Bill Text

|||| LEGISLATURE OF THE STATE OF IDAHO ||||
Fifty-eighth Legislature Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 821

BY EDUCATION COMMITTEE

1 AN ACT
2 RELATING TO DEAF AND BLIND EDUCATION; AMENDING SECTION 16-113, IDAHO CODE, TO

3 PROVIDE FOR CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMEND-
4 ING SECTION 33-101, IDAHO CODE, TO PROVIDE FOR CORRECT TERMINOLOGY AND TO
5 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-905, IDAHO CODE, TO REMOVE
6 CONSIDERATION OF THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND AS A SCHOOL
7 DISTRICT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1002,
8 IDAHO CODE, TO REVISE THE EDUCATION SUPPORT PROGRAM FORMULA AND TO MAKE A
9 TECHNICAL CORRECTION; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE
10 ADDITION OF A NEW SECTION 33-1004H, IDAHO CODE, TO PROVIDE DISTRIBUTION
11 CALCULATIONS FOR SCHOOL DISTRICTS HOSTING REGIONAL PROGRAMS FOR DEAF EDU-
12 CATION; AMENDING THE HEADING FOR CHAPTER 34, TITLE 33, IDAHO CODE; AMEND-
13 ING SECTION 33-3401, IDAHO CODE, TO ESTABLISH IN THE STATE BOARD OF EDUCA-
14 TION THE DIVISION OF DEAF AND BLIND EDUCATION AND TO PROVIDE FOR THE ELIM-
15 INATION OF THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND AS A BODY CORPO-
16 RATE; AMENDING SECTION 33-3402, IDAHO CODE, TO REMOVE REFERENCE TO THE
17 IDAHO SCHOOL FOR THE DEAF AND THE BLIND AS A BODY CORPORATE AND TO PROVIDE
18 GENERAL SUPERVISION, GOVERNMENT AND CONTROL OF THE DIVISION IN THE STATE
19 BOARD; AMENDING SECTION 33-3403, IDAHO CODE, TO PROVIDE FOR CORRECT TERMI-
20 NOLOGY; AMENDING SECTION 33-3404, IDAHO CODE, TO EMPOWER THE STATE BOARD
21 TO DISPOSE OF ANY PROPERTY BELONGING TO OR VESTED IN THE NAME OF THE IDAHO
22 SCHOOL FOR THE DEAF AND THE BLIND; AMENDING SECTION 33-3405, IDAHO CODE,
23 TO PROVIDE FOR GENERAL POWERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING
24 SECTION 33-3406, IDAHO CODE, TO PROHIBIT RELIGIOUS OR SECTARIAN TESTS WITH
25 REGARD TO DIVISION STUDENTS AND PERSONNEL; REPEALING SECTION 33-3407,
26 IDAHO CODE, RELATING TO THE DEFINITION OF DEAF AND BLIND, EXAMINATION OF
27 APPLICANTS AND ADMISSION AND RELEASE OF PUPILS; AMENDING CHAPTER 34, TITLE
28 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3407, IDAHO CODE, TO
29 PROVIDE FOR DEFINITIONS; AMENDING SECTION 33-3408, IDAHO CODE, TO PROVIDE
30 CORRECT TERMINOLOGY; REPEALING SECTION 33-3409, IDAHO CODE, RELATING TO A
31 GENERAL FUND CONTINGENCY RESERVE; AMENDING CHAPTER 34, TITLE 33, IDAHO
32 CODE, BY THE ADDITION OF A NEW SECTION 33-3409, IDAHO CODE, TO PROVIDE FOR
33 A PROGRAM FOR THE DEAF; AMENDING CHAPTER 34, TITLE 33, IDAHO CODE, BY THE
34 ADDITION OF A NEW SECTION 33-3410, IDAHO CODE, TO PROVIDE FOR A PROGRAM
35 FOR THE BLIND; AMENDING SECTION 33-4802, IDAHO CODE, TO PROVIDE LEGISLA-
36 TIVE FINDINGS WITH REGARD TO THE DIVISION AND TO MAKE A TECHNICAL CORREC-
37 TION; AMENDING SECTION 33-4803, IDAHO CODE, TO REVISE A DEFINITION; AMEND-
38 ING SECTION 33-4806, IDAHO CODE, TO PROVIDE FOR TECHNOLOGY GRANTS TO THE
39 REGIONAL DEAF EDUCATION PROGRAMS; AMENDING SECTION 66-1106, IDAHO CODE, TO
40 PROVIDE FOR CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
41 ING SECTION 66-1107, IDAHO CODE, TO PROVIDE FOR CORRECT TERMINOLOGY AND TO
42 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-1108, IDAHO CODE, TO PRO-
43 VIDE FOR TRANSFER AND CREDIT OF CERTAIN FUNDS TO THE IDAHO DIVISION OF
44 DEAF AND BLIND EDUCATION FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING
45 SECTION 67-7304, IDAHO CODE, TO PROVIDE FOR CORRECT TERMINOLOGY; AND PRO-
46 VIDING AN EFFECTIVE DATE.

1 Be It Enacted by the Legislature of the State of Idaho:

2 SECTION 1. That Section 16-113, Idaho Code, be, and the same is hereby
3 amended to read as follows:

4 16-113. MAINTENANCE OF EXISTING PROGRAM LEVELS. Nothing in this chapter
5 shall be construed to permit:

6 (1) The reduction of local, state, or federal medical or other assistance
7 available;

8 (2) The alteration of eligibility under title V of the social security
9 act (relating to maternal and child health);

10 (3) The alteration of eligibility under title XIX of the social security
11 act (relating to medicaid for infants and toddlers with disabilities);

12 (4) The reduction of early intervention services provided by the state

department of education, the department of health and welfare, or the ~~school~~
~~for the~~ division of deaf and ~~the~~ blind education.

SECTION 2. That Section 33-101, Idaho Code, be, and the same is hereby
amended to read as follows:

33-101. CREATION OF BOARD. For the general supervision, governance and
control of all state educational institutions, to wit: ~~U~~university of Idaho,
Idaho ~~S~~sstate ~~U~~university, Boise ~~S~~sstate ~~U~~university, Lewis-Clark ~~S~~sstate
~~C~~college, the ~~School for the~~ division of dDeaf and ~~the~~ Bblind education and
any other state educational institution which may hereafter be founded, and
for the general supervision, governance and control of the public school sys-
tems, including public community colleges, a state board of education is cre-
ated. The said board shall be known as the state board of education and board
of regents of the ~~U~~university of Idaho.

For the purposes of section 20, article IV, of the constitution of the
state of Idaho, the state board of education and all of its offices, agencies,
divisions and departments shall be an executive department of state govern-
ment.

Where the term "state board" shall hereafter appear, it shall mean the
state board of education and board of regents of the ~~U~~university of Idaho.

SECTION 3. That Section 33-905, Idaho Code, be, and the same is hereby
amended to read as follows:

33-905. SCHOOL DISTRICT BUILDING ACCOUNT -- PAYMENTS TO ACCOUNT -- MONEYS
APPROPRIATED TO STATE BOARD -- APPLICATION FOR MONEYS -- PAYMENTS TO DISTRICTS
-- REPORTS ON APPLICATIONS -- USES OF MONEYS. (1-) The state of Idaho, recog-
nizing its responsibility to establish and maintain a general, uniform and
thorough system of public, free common schools, in an effort to partially ful-
fill this responsibility, hereby creates and establishes the school district
building account in the state treasury. The school district building account
shall have paid into it such appropriations or revenues as may be provided by
law.

(2-) Moneys in the school district building account are hereby appropri-
ated to and may be expended by the state board of education at any time for
the purposes provided in this section, any provision of chapter 35, title 67,
Idaho Code, or chapter 36, title 67, Idaho Code, notwithstanding.

(3-) (a) As to any moneys in the account other than lottery dividends
distributed pursuant to subsection (4-) of this section, the board of
trustees of any school district may apply to the state board of education

to receive a payment or payments from the school district building
account; provided, a district demonstrates to the state board of education
that it has a substantial and serious need based upon the district's
classroom student-teacher ratios, past efforts to levy for such construc-
tion, physical condition of existing structures, and the total assessed
market value of the district, all of which shall be further defined by
actual need criteria established by the state board of education.

(b) When an application for moneys from the account is approved by the
state board of education, the state board shall inform the school district
that the application has been approved, citing the amount approved for
payment and an estimate of the time when the payment can actually be made
to the school district.

(4-) By not later than August 31, moneys in the account pursuant to dis-
tribution from section 67-7434, Idaho Code, the lottery dividends and interest
earned thereon, shall be distributed to each of the several school districts,
in the proportion that the average daily attendance of that district for the
previous school year bears to the total average daily attendance of the state

18 during the previous school year. ~~For the purposes of this subsection 4. only,~~
19 ~~the Idaho school for the deaf and blind shall be considered a school district,~~
20 ~~and shall receive a distribution based upon the average daily attendance of~~
21 ~~the school.~~ Average daily attendance shall be calculated as provided in sec-
22 tion 33-10024. (5), Idaho Code.

23 (5-) All payments from the school district building account shall be paid
24 out directly to the school district in warrants drawn by the state controller
25 upon presentation of proper vouchers from the state board of education. Pend-
26 ing payments out of the school district building account, the moneys in the
27 account shall be invested by the state treasurer in the same manner as pro-
28 vided under section 67-1210, Idaho Code, with respect to other idle moneys in
29 the state treasury. Interest earned on the investments shall be returned to
30 the school district building account.

31 (6-) Payments from the school district building account received by a
32 school district may be used by the school district for the purposes authorized
33 in section 33-1102, Idaho Code.

34 (7-) (a) By not later than December 1, each school district shall report
35 to the state department of education the projects on which moneys received
36 from the school district building account were expended. The state depart-
37 ment of education shall transmit a summary of such reports to the legisla-
38 ture by not later than January 15 of the following year.

39 (b) By not later than December 1, each school district shall report to
40 the state department of education the planned uses for the moneys received
41 from the school district building account. The state department of educa-
42 tion shall transmit a summary of the reports to the legislature by not
43 later than January 15 of the following year.

44 SECTION 4. That Section 33-1002, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is
47 calculated as follows:

48 1. State Educational Support Funds. Add the state appropriation, includ-
49 ing the moneys available in the public school income fund, together with all
50 miscellaneous revenues to determine the total state funds.

51 2. From the total state funds subtract the following amounts needed for
52 state support of special programs provided by a school district:

53 a. Pupil tuition-equivalency allowances as provided in section 33-1002B,

1 Idaho Code;

2 b. Transportation support program as provided in section 33-1006, Idaho
3 Code;

4 c. Feasibility studies allowance as provided in section 33-1007A, Idaho
5 Code;

6 d. The approved costs for border district allowance, provided in section
7 33-1403, Idaho Code, as determined by the state superintendent of public
8 instruction;

9 e. The approved costs for exceptional child approved contract allowance,
10 provided in subsection 2. of section 33-2004, Idaho Code, as determined by
11 the state superintendent of public instruction;

12 f. Certain expectant and delivered mothers allowance as provided in sec-
13 tion 33-2006, Idaho Code;

14 g. Salary-based apportionment calculated as provided in sections 33-1004
15 through 33-1004F, Idaho Code;

16 h. Unemployment insurance benefit payments according to the provisions of
17 section 72-1349A, Idaho Code;

18 i. For expenditure as provided by the public school technology program;

19 j. For the support of provisions that provide a safe environment condu-
20 cive to student learning and maintain classroom discipline, an allocation

of \$300 per support unit; ~~and~~

k. For the support of regional programs for deaf education, as provided in section 33-1004H, Idaho Code; and

1. Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the state educational support funds.

3. Local Districts' Contribution Calculation. Without including any allowance as a credit for prepaid taxes as provided by section 63-1607, Idaho Code, the local districts' contribution shall be the amount appropriated pursuant to section 33-1002D, Idaho Code, plus three-tenths percent (.3%) during fiscal year 2003-04 and each year thereafter, of the total state adjusted market value for assessment purposes for the previous year with such value being determined by the provisions of section 63-315, Idaho Code, and four-tenths percent (.4%) during fiscal year 1994-95 and each year thereafter, of the cooperative electrical associations' property values that have been derived from the taxes paid in lieu of ~~ad valorem~~ property taxes for the previous year as provided in section 63-3502, Idaho Code.

4. Educational Support Program Distribution Funds. Add the local districts' contribution, subsection 3. of this section, and the state educational support program funds, subsection 1. of this section, together to secure the total educational support program distribution funds.

5. Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

6. Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support units, and computation of alternative school secondary support units. The sum of all of the

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total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Units Allowed
41 or more	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily

Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....		15
..23...grades 4,5 & 6....		
..22...grades 1,2 & 3....1994-95		
..21...grades 1,2 & 3....1995-96		
..20...grades 1,2 & 3....1996-97		
and each year thereafter.		
160 to 299.99 ADA... 20.....		8.4

23	110	to	159.99	ADA... 19.....	6.8
24	71.1	to	109.99	ADA... 16.....	4.7
25	51.7	to	71.0	ADA... 15.....	4.0
26	33.6	to	51.6	ADA... 13.....	2.8
27	16.6	to	33.5	ADA... 12.....	1.4
28	1.0	to	16.5	ADA... n/a.....	1.0

29 COMPUTATION OF SECONDARY SUPPORT UNITS

30	Average Daily				
31	Attendance		Attendance Divisor		Minimum Units Allowed
32	750 or more	....	18.5.....		47
33	400 - 749.99	ADA....	16.....		28
34	300 - 399.99	ADA....	14.5.....		22
35	200 - 299.99	ADA....	13.5.....		17
36	100 - 199.99	ADA....	12.....		9
37	99.99 or fewer		Units allowed as follows:		
38		Grades 7-12	.....		8
39		Grades 9-12	.....		6
40		Grades 7- 9	.....		1 per 14 ADA
41		Grades 7- 8	.....		1 per 16 ADA

42 COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

43	Average Daily				
44	Attendance		Attendance Divisor		Minimum Units Allowed
45	14 or more	....	14.5.....		1 or more as computed
46	12 - 13.99....		-.....		1
47	8 - 11.99....		-.....		.75
48	4 - 7.99....		-.....		.5
49	1 - 3.99....		-.....		.25

1 COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

2	Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
3	12 or more.....	12.....	1 or more as computed

4 In applying these tables to any given separate attendance unit, no school
5 district shall receive less total money than it would receive if it had a
6 lesser average daily attendance in such separate attendance unit. In applying
7 the kindergarten table to a kindergarten program of less days than a full
8 school year, the support unit allowance shall be in ratio to the number of
9 days of a full school year. The tables for exceptional education and alterna-
10 tive school secondary support units shall be applicable only for programs
11 approved by the state department of education following rules established by
12 the state board of education. Moneys generated from computation of support
13 units for alternative schools shall be utilized for alternative school pro-
14 grams. School district administrative and facility costs may be included as
15 part of the alternative school expenditures.

16 7. State Distribution Factor per Support Unit. Divide educational support
17 program distribution funds, after subtracting the amounts necessary to pay the
18 obligations specified in subsection 2. of this section, by the total state
19 support units to secure the state distribution factor per support unit.

20 8. District Share of State Funds for Educational Support Program. Ascer-
21 tain a district's share of state funds for the educational support program as
22 follows:

23 a. District Contribution Calculation. Without including any allowance as
24 a credit for prepaid taxes, as provided in section 63-1607, Idaho Code,
25 the district contribution calculation shall be the rate determined under
26 subsection 3. of this section.

27 b. District Support Units. The number of support units for each school

district in the state shall be determined as follows:

(1) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(2) Divide the combined totals of the average daily attendance of all preschool, handicapped, kindergarten, elementary, secondary and juvenile detention center students approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(3) The total number of support units of the district shall be the sum of the total support units for regular students, subsection 8.b.(1) of this section, and the support units allowance for the approved exceptional child program, subsection 8.b.(2) of this section.

c. Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the

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state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection 2. of this section to secure the district's total allowance for the educational support program.

d. District Share. To secure the district's share of state apportionment, subtract the amount of the local district contribution calculation, subsection 3. of this section, from the amount of the total district allowance, subsection 8.c. of this section.

e. Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection 8.d. of this section.

SECTION 5. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1004H, Idaho Code, and to read as follows:

33-1004H. REGIONAL DEAF EDUCATION PROGRAMS. The state department of education shall distribute moneys, as part of the educational support program, for the support of school districts hosting regional programs for deaf education, authorized pursuant to section 33-3409, Idaho Code. Such distributions shall be based on the lesser of the following two (2) calculations:

(1) The number of eligible deaf students in average daily attendance, multiplied by fifty thousand dollars (\$50,000); or

(2) The amount of funding that would have been provided by the state had the program actually been a public charter school, with access to the minimum support unit numbers in section 33-1002(6), Idaho Code.

SECTION 6. That the Heading for Chapter 34, Title 33, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 34

IDAHO ~~SCHOOL FOR THE~~ DIVISION OF DEAF

29 AND ~~THE~~ BLIND EDUCATION

30 SECTION 7. That Section 33-3401, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 33-3401. ESTABLISHMENT OF ~~SCHOOL FOR~~ DIVISION OF DEAF AND BLIND
33 EDUCATION. ~~The establishment by law of a school for the~~ There is hereby estab-
34 lished in the state board of education the division of deaf and blind ~~at Good-~~
35 ~~ing, Idaho, is hereby ratified and affirmed, said school to be called the~~
36 ~~Idaho School for the Deaf and the Blind, and its operation continued. It is~~
37 ~~further provided that wherever the term~~ education. The "State School for the
38 Deaf and the Blind" ~~shall appear in the Idaho Code it shall mean~~ also known as
39 the "Idaho School for the Deaf and the Blind-" at Gooding, Idaho, shall no
40 longer exist as a body corporate.

41 SECTION 8. That Section 33-3402, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 33-3402. ~~BODY POLITIC AND CORPORATE~~ — STATE BOARD OF ~~TRUSTEES~~ EDUCATION.
44 ~~The Idaho School for the Deaf and the Blind is hereby declared to be a body~~
45 ~~corporate, with its own seal and having power to sue and be sued in its own~~
46 ~~name.~~ The general supervision, government and control of the Idaho ~~School for~~
47 ~~the~~ division of dDeaf and ~~the B~~blind education is vested in the state board of

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1 ~~education, which shall act as the board of trustees of the Idaho School for~~
2 ~~the Deaf and the Blind.~~

3 SECTION 9. That Section 33-3403, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-3403. ORGANIZATION, MEETINGS AND PROCEEDINGS OF BOARD. The state
6 board, ~~of trustees,~~ at its first meeting and annually thereafter, shall orga-
7 nize by electing a chairman, a vice-chairman and a secretary. A majority of
8 the board shall constitute a quorum for the transaction of business, but a
9 smaller number may adjourn from time to time. No member of the board shall
10 participate in any proceeding in which he has a pecuniary interest. No vacancy
11 on the board shall impair the right of the remaining trustees to exercise all
12 the powers of the board. Every vote and official act of the board shall be
13 entered of record. The state treasurer shall serve as treasurer of the board.
14 It shall be the duty of the secretary to keep a detailed account of the doings
15 of the board.

16 SECTION 10. That Section 33-3404, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 33-3404. TITLE TO PROPERTY -- ACQUIRING, SELLING OR EXCHANGING PROPERTY.
19 All rights and title to property, real and personal, belonging to or vested in
20 the Idaho School for the Deaf and the Blind are hereby vested in its state
21 board ~~of trustees~~ and ~~their~~ its successors. The state ~~board of trustees~~ is
22 ~~empowered to acquire, by purchase or exchange, any property which in the judg-~~
23 ~~ment of the board is needful for the operation of the Idaho School for the~~
24 ~~Deaf and the Blind, and to dispose of, by sale or exchange, any property which~~
25 ~~in the judgment of the board is not needful for the operation of the same~~
26 belonging to or vested in the name of the Idaho school for the deaf and the
27 blind at Gooding, Idaho.

28 SECTION 11. That Section 33-3405, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 33-3405. GENERAL POWERS OF BOARD. The state board ~~of trustees of~~ as the
31 board for the Idaho ~~school for the~~ division of deaf and ~~the~~ blind education
32 shall have the following powers:

33 (1) To adopt rules ~~and regulations~~ for its own government and that of the
34 ~~school~~ Idaho division of deaf and blind education;

35 (2) To employ ~~a superintendent of~~ an administrator for the ~~school~~ divi-
36 sion, and, with ~~his~~ the administrator's advice, to appoint such assistants,
37 instructors, specialists and other employees as are required for the operation
38 of the ~~school~~ division; to fix salaries and prescribe duties; to remove the
39 ~~superintendent~~ administrator or ~~any~~ other employees in accordance with the
40 policies and rules of the state board; ~~of education~~, and to, at the discretion
41 of the ~~superintendent~~ administrator, allow all employees eligible for benefits
42 to elect to receive their salary on a year-round basis. Such a payment sched-
43 ule shall not be considered a guarantee of employment;

44 (3) ~~With the advice of the superintendent,~~ To prescribe the instruc-
45 tional materials, the course of study, and the textbooks to be used, ~~and for~~
46 ~~those pupils who complete the requirements for grade twelve (12), the time and~~
47 ~~standard of graduation~~;

48 (4) To have at all times, general supervision and control of all prop-
49 erty, real and personal, appertaining to the ~~school~~ division, and to insure

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1 the same;

2 (5) To ~~employ architects or engineers in planning the construction,~~
3 ~~remodeling or repair of any building and, whenever no other agency is desig-~~
4 ~~nated so to do, to let contracts for such construction, remodeling or repair~~
5 ~~and to supervise the work thereof~~ maintain in good condition the buildings,
6 grounds and personal property acquired by or vested in the name of the Idaho
7 school for the deaf and the blind until such time as such property may be
8 sold, transferred or otherwise disposed of as the state board may determine;

9 (6) To expend moneys appropriated, or otherwise placed to the credit of
10 the ~~school~~ division for the maintenance and operation thereof, and to account
11 for the same as prescribed by law; and

12 (7) To ~~provide for the conveyance of pupils to and from the school, the~~
13 ~~expense of such conveyance being a lawful use of the moneys available to the~~
14 ~~board of trustees~~ contract with local school districts and to assist those
15 school districts in providing nonresidential, day educational program services
16 to the greatest number of Idaho deaf and blind children as may be practicable.

17 SECTION 12. That Section 33-3406, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 33-3406. SECTARIAN TESTS PROHIBITED. No religious or sectarian tests
20 shall be applied to the ~~admission of~~ students served by the division, nor in
21 the selection of instructors or other personnel of the ~~school~~ division.

22 SECTION 13. That Section 33-3407, Idaho Code, be, and the same is hereby
23 repealed.

24 SECTION 14. That Chapter 34, Title 33, Idaho Code, be, and the same is
25 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
26 ignated as Section 33-3407, Idaho Code, and to read as follows:

27 33-3407. DEFINITIONS. Unless the context shall otherwise provide, as used
28 in this chapter:

29 (1) "Administrator" means the administrator of the Idaho division of deaf
30 and blind education.

31 (2) "Blind" means a person who is blind, totally blind, partially blind
32 or otherwise visually handicapped meaning such person has central visual acu-
33 ity not exceeding 20/200 in the better eye, with corrected lenses, as measured

by the Snellen test, or visual acuity greater than 20/2000, but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle not greater than twenty (20) degrees.

(3) "Deaf" means a person whose hearing impairment is so severe that the person is impaired in processing linguistic information through hearing, even with amplification. A person may be identified as deaf or hearing impaired when the unaided hearing loss is in excess of seventy (70) decibels and precludes understanding of speech through the auditory mechanism, even with amplification, and demonstrates an inability to process linguistic information through hearing, even with amplification.

(4) "Program" means the program for the deaf as set forth in section 33-3409, Idaho Code, and the program for the blind as set forth in section 33-3410, Idaho Code.

(5) "State board" or "state board of education" means the state board of education and board of regents of the university of Idaho.

SECTION 15. That Section 33-3408, Idaho Code, be, and the same is hereby

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amended to read as follows:

33-3408. REPORTING DEAF AND BLIND PUPILS. On or before the first day of February, in each year, the clerk of each school district, including elementary school districts and especially chartered school districts shall report the number of deaf and blind pupils, as defined in section 33-3407, Idaho Code, attending the school or schools of the district, and any such person, not a pupil in the school, of whom he may have knowledge.

Such report shall be made to the ~~superintendent~~ administrator of the Idaho ~~School for the~~ division of ~~Deaf and the Blind~~ education, upon forms approved by the state board of education.

SECTION 16. That Section 33-3409, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Chapter 34, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-3409, Idaho Code, and to read as follows:

33-3409. PROGRAM FOR THE DEAF. (1) The administrator, on behalf of the state board, is hereby authorized to enter into contracts with five (5) local school districts to provide nonresidential, day educational program services to deaf children from ages three (3) years through grade twelve (12). The local school districts, or "host" school districts, which provide educational program services under contract with the state board, are to be selected so as to provide the maximum participation in the educational program services for the deaf children in the region. Each host school district shall provide staff and facilities for the educational program services.

(2) The administrator may enter into one (1) contract with a local school district in each of the following areas:

- (a) Kootenai or Bonner county;
- (b) Nez Perce or Latah county;
- (c) Ada or Canyon county;
- (d) Twin Falls, Gooding, Jerome, Minidoka or Cassia county; and
- (e) Bingham county.

(3) The educational program services to be offered by the host school districts to deaf children shall include, but are not limited to:

- (a) An auditory/oral program for prekindergarten through grade one (1) to serve children with hearing impairments, but who are not deaf;
- (b) A sign-language based program for deaf children in prekindergarten through grade twelve (12); and

- (c) Speech and language therapy services.
- (4) A deaf student's home school district shall be responsible for:
- (a) Preparing and updating the student's individualized education plan and the individual family education plan as required by the individuals with disabilities education act, parts A and B, 20 U.S.C. sections 1400 to 1419, and federal regulations promulgated thereunder;
- (b) Providing transportation to deaf students living in the home school district and participating in the educational program services in the host school district, provided however:
- (i) Home school districts may contract with other home school districts or the host district to provide such transportation; and
- (ii) Eligible costs associated with transporting students to and from the host school district shall be funded as provided in section 33-1006, Idaho Code, except that such transportation cost shall not

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be subject to the transportation cost cap thereunder.

(5) Deaf students from home school districts participating in educational program services in the host school district shall be allowed to participate in the same extracurricular activities as deaf students from the host school district.

SECTION 18. That Chapter 34, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-3410, Idaho Code, and to read as follows:

33-3410. PROGRAM FOR THE BLIND. The administrator on behalf of the state board is hereby authorized to assist individual local school districts to provide nonresidential, day educational program services to the local school districts for blind children in kindergarten through grade twelve (12). The administrator is further authorized to provide such students with specialized short-term, concentrated programs of instruction in braille and mobility and life skills training. Such programs should be offered at times when such students are not attending public school classes.

SECTION 19. That Section 33-4802, Idaho Code, be, and the same is hereby amended to read as follows:

33-4802. FINDINGS. The legislature hereby finds, determines and declares that the state of Idaho recognizes the importance of applying technology to meet the public need for an improved, thorough and seamless public education system for elementary and secondary education, education of the hearing or visually impaired ~~at participating in programs offered by the Idaho school for the division of~~ deaf and blind education, ~~post-secondary~~ postsecondary and higher education and public libraries.

SECTION 20. That Section 33-4803, Idaho Code, be, and the same is hereby amended to read as follows:

33-4803. DEFINITIONS. As used in this chapter:

(1) "Educational segments" are, individually, the public elementary and secondary school system, the Idaho ~~school for the division of~~ education, the professional-technical education system, the state library, the state historical society, Idaho public television, the community colleges, the four-year colleges and universities, the state department of education and the office of the state board of education.

(2) "Libraries" means district, city, school/community libraries, and the state library as described in chapters 25, 26 and 27, title 33, Idaho Code.

(3) "Technology" means all present and future forms of computer hardware, computer software and services used or required for automated data processing,

computer-related office automation or telecommunications.

(4) "Telecommunications" means all present and future forms of hardware, software or services used or required for transmitting voice, data, video or images over a distance.

SECTION 21. That Section 33-4806, Idaho Code, be, and the same is hereby amended to read as follows:

33-4806. PUBLIC SCHOOL TECHNOLOGY GRANTS. There is hereby established the public school technology grant program, which shall make available grants for schools to provide Idaho classrooms, including ~~classrooms at the Idaho school~~

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~~for the deaf and blind~~ **regional deaf education programs operating pursuant to section 33-3409, Idaho Code**, with the equipment and resources necessary to integrate information age technology with instruction and to further connect those classrooms with external telecommunications services. Grant applications shall include a project plan that describes proposed equipment and software purchases; how the proposed equipment and software will be used effectively in the classroom; provision for training teachers to make optimal use of the technology; provision for local matching funds as prescribed by the council; and other elements as prescribed by the council.

SECTION 22. That Section 66-1106, Idaho Code, be, and the same is hereby amended to read as follows:

66-1106. CHARITABLE INSTITUTIONS FUND -- TRANSFER OF MONEYS TO SEPARATE FUNDS. Any and all moneys hereafter accruing to said charitable institutions fund shall be forthwith transferred and credited to the following designated funds in the following proportions, respectively, to wit:

To the Idaho ~~S~~state ~~U~~university fund, four-fifteenths (4/15) thereof;

To the ~~S~~state ~~J~~juvenile ~~C~~orrections ~~I~~nstitutions fund, four-fifteenths (4/15) thereof;

To the ~~S~~state ~~H~~ospital ~~N~~orth fund, four-fifteenths (4/15) thereof;

To the ~~D~~ivision of ~~V~~veterans ~~S~~services fund, five-thirtieths (5/30) thereof;

To the ~~School for the~~ **Idaho division of d**Deaf and ~~B~~blind **education** fund, one-thirtieth (1/30) thereof.

SECTION 23. That Section 66-1107, Idaho Code, be, and the same is hereby amended to read as follows:

66-1107. MONEYS CREDITED OR ACCRUING TO SPECIAL FUNDS -- EXCLUSIVE USE. All moneys heretofore properly credited to or accruing to any special fund heretofore created out of any portion of the expendable income from the land grant of one hundred fifty thousand (150,000) acres aforesaid, for the support or maintenance of the Idaho ~~S~~state ~~U~~university, the ~~S~~state ~~J~~juvenile ~~C~~orrections ~~C~~enter, ~~S~~state ~~H~~ospital ~~N~~orth, ~~D~~ivision of ~~V~~veterans ~~S~~services and the ~~State School for the~~ **Idaho division of d**Deaf and ~~the B~~blind **education**, respectively, or any of such institutions, together with all funds hereafter accruing under this act to the funds designated in section 66-1106, Idaho Code, are hereby appropriated for the maintenance of said institutions, respectively, and no portion of said funds shall be diverted to any other purpose or transferred to any other fund: provided, that no provision hereof shall be so construed as to preclude the state controller from correcting errors in the apportionment of receipts or distribution of disbursements heretofore or hereafter erroneously credited or charged to any of such funds.

SECTION 24. That Section 66-1108, Idaho Code, be, and the same is hereby amended to read as follows:

43 66-1108. ~~SCHOOL FOR THE~~ IDAHO DIVISION OF DEAF AND ~~THE~~ BLIND EDUCATION
44 FUND. Any and all funds heretofore accruing to the credit of the charitable
45 institutions fund on the books of the state controller and state treasurer and
46 not properly transferred or credited to funds known and designated as "~~the~~
47 ~~A~~cademy of Idaho ~~F~~und," "~~the~~ Idaho ~~T~~echnical ~~I~~nstitute ~~F~~und" or "~~the~~
48 ~~S~~outhern ~~B~~branch of the ~~U~~niversity of Idaho ~~F~~und," "~~the~~ Idaho ~~I~~ndustrial
49 ~~R~~eform ~~S~~school ~~F~~und" or "~~the~~ Idaho ~~I~~ndustrial ~~T~~training ~~S~~school ~~F~~und,"

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1 "~~the~~ ~~N~~orthern Idaho ~~I~~nsane ~~A~~asylum ~~F~~und" or "~~the~~ ~~N~~orthern Idaho
2 ~~S~~sanitarium ~~F~~und," "~~the~~ ~~S~~soldiers' ~~H~~home ~~F~~und" and the "~~S~~school for the
3 ~~D~~eaf and the ~~B~~blind ~~F~~und" or the "~~D~~eaf and ~~B~~blind ~~S~~school ~~F~~und," shall be
4 transferred and credited to a special fund to be known as the "~~School for the~~
5 Idaho division of dDeaf and ~~the B~~blind education ~~F~~und."

6 SECTION 25. That Section 67-7304, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-7304. COMPOSITION. (1) The council shall consist of nine (9) members
9 to be appointed by the governor.

10 (2) Membership shall be as follows: one (1) member shall be a deaf person
11 representing an association of the deaf, one (1) member shall be a deaf per-
12 son, one (1) member shall be the parent of a deaf child, one (1) member shall
13 be a hard of hearing member of a national hard of hearing consumer organiza-
14 tion, one (1) member shall be a hard of hearing person over the age of sixty
15 (60) years, one (1) member shall be the parent of a hard of hearing child, one
16 (1) member shall be an interpreter for the deaf, one (1) member shall be a
17 licensed physician, and one (1) member shall be an ASHA certified audiologist.

18 (3) The following shall serve as ex officio nonvoting members of the
19 council: a representative from each of the following: the Idaho ~~school for the~~
20 division of deaf and blind education, the state department of education, the
21 division of vocational rehabilitation, the office on aging, the department of
22 health and welfare, the bureau of occupational licenses, the department of
23 employment, the public utilities commission, the consumer protection division
24 of the office of the attorney general, the Idaho hearing aid society, and the
25 director of the council for the deaf and hard of hearing.

26 (4) Due regard shall be given to balanced representation from geographi-
27 cal and demographic areas of the state for voting members of the council.

28 (5) Voting members of the council shall be compensated as provided in
29 section 59-509(b), Idaho Code.

30 SECTION 26. This act shall be in full force and effect on and after July
31 1, 2008.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS 16248

The purpose of this legislation is to provide a 21st century model for the education of deaf and blind students in Idaho. The current service offered at the Idaho School for the Deaf and the Blind (ISDB) campus is a 19th century education model, in which an education is provided at a residential campus, where students are separated from

their families and other neighborhood children. The popularity of this model among parents of deaf and blind students has declined significantly over time, to the point that enrollment today is barely half of what it was a dozen years ago. This enrollment decline has resulted in a rapidly growing cost per student, which stood at over \$82,000 per residential student in FY05, based on the study by the Office of Performance Evaluations.

In addition to residential education, ISDB provides a modern day program service for deaf and blind students living within a reasonable bus ride of the school. Because day program students are able to continue living at home, this service has proved to be more popular with families of deaf and blind children, with approximately 40% of the deaf and blind students in the day program area taking advantage of it. The problem is that only 8% of the students in Idaho live close enough to the ISDB campus to be able to participate as day students.

This legislation will transform ISDB from a residential, campus-based program to a regionally-based series of day programs, available to over 80% of the deaf students in Idaho. This will enable deaf students across Idaho to receive the more concentrated, specialized programs of instruction that they need, without having to be separated from their families. Blind students would be mainstreamed under this proposal, with enhanced outreach and specialized Braille and mobility training services offered by trained ISDB outreach staff.

FISCAL NOTE

It is estimated that the implementation of this legislation will require an increase in the FY 2009 General Fund appropriation for deaf and blind education of approximately \$150,000.

Contact

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